



## SJ 19 Study: Selected Montana Legislation Amending the Sexual or Violent Offender Registry Act

### **SB 84 (1989)**

- Includes 5 state crimes and federal equivalents
- Registration limited to 10 years
- Automatic removal, if no new qualifying crime
- Penalty for failure to register: up to 90 days imprisonment, up to \$250 fine, or both
- Educational phase of sex offender treatment required in prison

### **SB 214 (1995)**

- Extends registration to certain violent offenders
- Expands registration to additional sex crimes
- Makes registration a lifetime requirement
- Allows offender to petition court for removal after at least 10 years
- Increases penalty for failure to register to up to 5 years imprisonment, up to \$10,000 fine, or both
- Requires offender to pay fees to cover costs of registration if the offender is able to pay
- Names of sex offenders made public information
- Department of Corrections and Human Services may petition court to release information on an offender if necessary for public protection

### **HB 111 (1997)**

- Requires DOJ to verify addresses of offenders [each 90 days for a level 3 offender and each year for violent offender or a level 1 or level 2 offender]
- Requires DOC to establish administrative rules for qualifications of sex offender evaluators and for determinations of risk
- Requires a sexual offender evaluation to be provided to a court prior to sentencing for a sexual offense
- Establishes risk levels to be assigned to sexual offenders
- Establishes definition of "predatory sexual offense:" a person who has been convicted of a sexual offense and who suffers from a mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offenses
- Requires registration for offenders guilty of an attempt, solicited, or conspiracy to commit a sexual or violent offense
- Adds additional crimes to violent offense definition (3rd or subsequent partner/family member assault, unlawful restraint, aggravated promotion of prostitution of a child)
- Reduces time an offender has to register with local law enforcement
- Requires a photograph of the offender to be placed in the registry

- Reduces time a violent offender must be on the registry from life to 10 years after the end of confinement or the sentencing hearing (if not confined) unless the offender is convicted during the 10 years of failing to register or keep the registration current or of a felony
- Makes names of violent offenders public
- Removes DOC requirement to petition court to release information on offenders to the public; increases information that can be made public; allows a law enforcement agency to release any relevant registration information to the public if the agency determines an offender is a risk to public safety; requires dissemination of certain information for other offenders
- Applies registry requirements to:
  - sexual offenders who are sentenced, in the custody of DOC, or under the supervision of DOC on or after July 1, 1989;
  - violent offenders who are sentenced, in the custody of DOC, or under the supervision of DOC on or after October 1, 1995.

#### **SB 63 (1999)**

- Adds crimes to definitions of sexual offender and violent offender
- Limits types of offenders who may use the petition process to be removed from the registries to exclude an offender convicted of:
  - sexual intercourse without consent if the victim compelled to submit by force against victim or another;
  - incest if victim was under 12 years of age and the offender was 3 or more years older;
  - a second or subsequent offense that requires registration; or
  - a sexually violent predator

#### **HB 329 (2001)**

- Retroactive application of registry requirements to a sexual offender:
  - sentenced by a state or federal court on or after July 1, 1989
  - under the supervision of a county, state, or federal agency on or after July 1, 1989
- Retroactive application of registry requirements to a violent offender:
  - sentenced by a state or federal court on or after Oct. 1, 1995
  - under the supervision of a county, state, or federal agency on or after Oct. 1, 1995

#### **HB 272 (2007)**

- Allows a photograph of a level 2 or level 3 offender to be public
- Requires photos of level 2 and level 3 offenders to be updated every year

### **HB 483 (2007)**

- Revises provisions related to youths adjudicated in youth court for certain sexual and violent offenses:
  - requires registration as provided for adult offenders;
  - revises when a judge may declare a youth exempt from registration as a sexual offender;
  - allows the youth court to retain jurisdiction to ensure registration compliance; and
  - requires a youth adjudicated for certain sexual offenses to be evaluated for and assigned a risk tier
- Revises and expands definitions for the sexual or violent offender registry
- Adds sexual offenses that require registration
- Requires registration for offenders who violated tribal law that is reasonably equivalent to a Montana law that requires registration
- Revises definition of "sexually violent predator" to include a person convicted of a sexual offense against a victim 12 years of age or younger when the offender is at least 18 years of age
- Shortens the timelines allowed for an offender to register
- Requires an offender to provide additional information at registration including social security numbers, the name and address of any business where the offender will be employed or the name and address of any school where the offender will be a student, driver's license number, and vehicle descriptions and license numbers if the vehicle is owned or operated by the offender
- Establishes requirements for offenders who are transient
- Requires level 2 offenders to verify registration information more frequently
- Increases the information that may be made public for registered offenders
- Allows the Department of Corrections to contract for a residential sexual offender treatment program
- Creates additional treatment requirements for sexual offenders of different risk levels
- Revises criminal penalties for certain sexual offenses, including when the victim was 12 years of age or younger and the offender was 18 years of age or older (unrelated to the registry)

### **HB 335 (2013)**

- Requires DOC to assign risk level to a sexual offender when the offender is released from confinement if the offender was convicted of a registry crime but was sentenced before 1997
- Provides a process for the attorney general or certain county attorneys to petition a district court to assign a risk level to an offender who does not have one assigned

### **SB 17 (2017)**

- Provides that a youth adjudicated for a sexual offense is exempt from registration unless a judge find that the youth has committed or been adjudicated for a prior sexual offense or registration is necessary for the protection of the public